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MEETING OF
STATES PARTIES

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New York, 21 and 22 November 1994

REPORT OF THE MEETING OF STATES PARTIES

Prepared by the Secretariat

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I. INTRODUCTION

A. Convening of the Meeting

1. The first Meeting of the States Parties to the 1982 United Nations Convention on the Law of the Sea (hereinafter referred to as the "Convention") was convened ad hoc in accordance with article 319, paragraph 2 (e), of the Convention and the recommendation of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (see LOS/PCN/L.115/Rev.1, para. 43). Pursuant thereto, the Secretary-General of the United Nations addressed invitations to participate in the Meeting to all States that were or would be parties to the Convention by 21 November 1994, the date of the proposed Meeting. Invitations to participate as observers, in accordance with decisions and rules to be adopted by the Meeting of States Parties, were addressed to other States, to international organizations referred to in annex IX and to entities referred to in article 305, paragraphs (c), (d) and (e), of the Convention, bearing in mind the desire to achieve universal participation in the Convention and the provisions of articles 2 and 3 of annex VI.

B. Opening of the Meeting

2. The first Meeting of States Parties to the Convention was held in New York on 21 and 22 November 1994 to deal with organizational matters relating to the International Tribunal for the Law of the Sea and in particular, concerning the one-time deferment of the first election of the members of the Tribunal.

3. The Meeting was opened by Mr. Hans Corell, the Legal Counsel of the United Nations Secretariat, on behalf of the Secretary-General.

C. Attendance

4. Representatives of the following States parties attended the meeting: Australia, Bahamas, Bahrain, Barbados, Botswana, Brazil, Cape Verde, Costa Rica, Cuba, Cyprus, Egypt, Fiji, Germany, Guyana, Honduras, Iceland, Indonesia, Jamaica, Kenya, Kuwait, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Namibia, Nigeria, Oman, Paraguay, Philippines, Senegal, Sri Lanka, Saint Lucia, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia and Zimbabwe. 1/

5. The following States not parties to the Convention participated as observers: Argentina, Austria, Belgium, Bulgaria, Chile, China, Colombia, Denmark, Dominican Republic, El Salvador, Eritrea, Finland, Greece, India, Italy, Japan, Libyan Arab Jamahiriya, Liechtenstein, Morocco, Nepal, Netherlands, Nicaragua, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

6. Several other entities participated as observers:

(a) The international organization referred to in annex IX of the Convention represented was the European Economic Community;

(b) The specialized agencies represented were the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Industrial Development Organization (UNIDO);

(c) The United Nations bodies represented were the United Nations Development Programme (UNDP) and the United Nations University (UNU);

(d) The intergovernmental organizations represented were the Asian-African Legal Consultative Committee (AALCC) and the Organization of African Unity (OAU);

(e) The non-governmental organization represented was the Commission to Study the Organization of Peace.

D. Documentation

7. In addition to the provisional agenda and provisional rules of procedure contained in documents SPLOS/1 and SPLOS/2 respectively, the Meeting had before it the consolidated provisional final report of the Preparatory Commission prepared in accordance with paragraph 10 of resolution I containing recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea (document LOS/PCN/130, vol. I, chap. V). The listing of the proposed contents of volume VI (to be issued) was also available (LOS/PCN/130/Add.1). The addenda to the provisional final report were also available (LOS/PCN/SCN.4/WP.16/Add.1-10).

II. CONDUCT OF BUSINESS

8. The Legal Counsel of the United Nations Secretariat welcomed participants on behalf of the Secretary-General. Thereafter, by a roll-call, he established the presence of a quorum constituting a majority of States parties to the Convention, i.e. 34 of the 67 States parties to the Convention. The list of representatives of States parties and other entities participating in the Meeting is contained in document SPLOS/INF/1.

A. Election of officials

9. The Meeting proceeded to the election of its President and elected Mr. Satya N. Nandan (Fiji) President by acclamation.

10. The Meeting decided to defer consideration of the election of the other officials. It also decided that, in addition to the President, there would be

four Vice-Presidents, one from each geographical group recognized by the United Nations, excluding that of the President.

B. Rules of procedure

11. The Meeting decided that it would provisionally apply the provisional rules of procedure contained in document SPLOS/2, which followed the rules generally applicable to conferences and meetings under the aegis of the United Nations. The meeting decided to amend specific draft rules, in particular those relating to observers (rule 15), election (rule 22) and general agreement (rule 61).

12. The amended rules, as adopted by the Meeting of States parties, were as follows:

"Rule 15

Observers

"1. Observers referred to in article 319, paragraph 3 (b), of the Convention may participate as observers in the Meeting.

"2. The following may participate as observers in the Meeting of States Parties in accordance with the decision of the Meeting:

(a) States that have signed the Convention;

(b) International organizations referred to in annex IX to the Convention;

(c) Entities referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e), of the Convention;

(d) Observers referred to in rule 2 of the rules of procedure of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea;

(e) The specialized agencies of the United Nations system, the International Atomic Energy Agency and other intergovernmental organizations invited to the Meeting;

(f) Non-governmental organizations recognized by the Economic and Social Council whose fields of competence are relevant to the law of the sea that were invited to and participated in the Third United Nations Conference on the Law of the Sea, upon request and with the approval of the Meeting of States Parties in each case.

"3. Representatives of observers referred to in paragraph 1 and paragraph 2 (a) to (d) of this rule may participate subject to the provisions of these rules in the deliberations of the Meeting but shall not be entitled to participate in the taking of decisions.

"4. Written statements submitted by observers shall be distributed to the Meeting by the secretariat.

"5. Observers referred to in paragraph 2 (e) and (f) of this rule may designate representatives to sit at public meetings of the Meeting and, upon invitation by the President and subject to the approval by the Meeting, may make oral statements and submit written statements on questions within the scope of their activities.

"Rule 22

Election

"The Meeting shall elect from among the representatives of States participating in the Meeting the following officers: a President and four Vice-Presidents, one from each region, excluding the region of the President. Their term of office shall be decided by the Meeting. 2/

"Rule 61

General Agreement

"Except as otherwise provided in the Convention and, in particular, without prejudice to the provisions of articles 155 and 312 of the Convention, the following provisions shall apply for decision-making:

(a) The Meeting should conduct its work on the basis of general agreement;

(b) It may proceed to a vote in accordance with rule 64 only after all efforts at achieving general agreement have been exhausted;

(c) Decisions to be taken on the one-time deferment of the election of the members of the Tribunal in accordance with article 4, annex VI, of the Convention, shall be by consensus."

13. On the basis of the decision to permit observers to participate in its meetings, in accordance with rule 15 as amended, the States and entities as referred to in that rule were invited to participate in the Meeting.

C. Statement on behalf of the Secretary-General

14. The Legal Counsel made a statement on behalf of the Secretary-General of the United Nations (see annex I).

III. ADOPTION OF THE AGENDA

15. The Meeting considered its draft provisional agenda contained in document SPLOS/1 and decided not to deal with items 5, 6 and 9 at the present time. On that understanding, the Meeting approved the provisional agenda.

IV. DECISIONS TAKEN BY THE MEETING

Organization of future work

16. On the recommendation of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, contained in the statement by the Chairman (LOS/PCN/L.115/Rev.1, para. 43), the Meeting decided that:

(a) Having regard to the recommendations of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, there would be a deferment of the first election of the members of the Tribunal. The date of this first election of all 21 members would be 1 August 1996. That would be a one-time deferment;

(b) The nominations would open on 16 May 1995. A State in the process of becoming a party to the Convention might nominate candidates. Such nominations would remain provisional and would not be included in the list to be circulated by the Secretary-General of the United Nations in accordance with article 4 (2) of annex VI, unless the State concerned had deposited its instrument of ratification or accession before 1 July 1996;

(c) The nominations would close on 17 June 1996;

(d) The list of candidates would be circulated by the Secretary-General on 5 July 1996;

(e) Subject to the above decisions, all procedures relating to the election of the members of the Tribunal as provided for in the Convention would apply;

(f) No changes would be made to that schedule unless the States Parties agreed by consensus;

(g) It approved the recommendation of the Preparatory Commission contained in document LOS/PCN/L.115/Rev.1, paragraph 43 (d).

V. CLOSING

Convening of the next Meeting

17. The Meeting decided that it would reconvene in New York for a period of one week between 15 and 26 May 1995, the dates to be communicated by the Secretary-General. It would consider item 9 and the other pending items on its provisional agenda (SPLOS/1). Consistent with that decision, the Meeting will be held in New York from 15 to 19 May 1995. The Meeting was informed that facilities could be provided for a further Meeting of States Parties in New York between 21 and 25 August 1995, if it so decided.

Notes

1/ Attendance has been recorded on the basis of a roll-call at the commencement of the Meeting on 21 November 1994 and the credentials submitted to the Secretariat.

2/ Consequential changes would have to be made to rules 27, 28, 29, 30 and 31 regarding the reference to "General Committee" in the rules (document SPLOS/2).

Annex

STATEMENT BY THE LEGAL COUNSEL ON BEHALF OF THE SECRETARY-GENERAL

As I indicated earlier when the meeting of States Parties met a few moments ago, the Secretary-General convened the meeting in accordance with the recommendations of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, and also consistent with article 319 of the Convention.

States parties to the Convention were invited.

Other States that are yet to ratify or accede to the Convention and other entities were also invited to participate as observers in accordance with the decisions to be taken by the meeting of States parties. These invitations were extended consistent with the spirit and intent of the recommendation of the Preparatory Commission subject to the decision of the Meeting of States parties. A few moments ago the States parties decided to invite observers to participate.

I am pleased to note that the meeting has now elected its President and I wish to extend my congratulations to you, Mr. President.

This is a historic occasion as it is the first meeting of States parties properly constituted in accordance with the Convention. The meeting is of special significance since it brings together States parties to the Convention in this setting for the first time since the entry into force of the Convention on 16 November 1994. On that date, in accordance with the requirements of the Convention, the Assembly of the International Seabed Authority met in Kingston at a ceremonial session to mark the occasion. The Secretary-General addressed that meeting and stated:

> "The dream of a comprehensive law for the oceans is an old one. Turning this dream into a reality has been one of the greatest achievements of this century. It is one of the decisive contributions of our era. It will be one of our most enduring legacies.
>
> "The Convention establishes a new and more equitable relationship among States. It establishes distinct zones of sovereignty and jurisdiction for coastal States. It formulates rules for the high seas. It lays down rights and duties of States with respect to navigation. It provides for the protection of the marine environment, and the conduct of marine research.
>
> "At the same time, the Convention provides a legal framework for the development of marine resources. It creates a new regime for deep seabed mining. It addresses concerns relating to the limits of the continental shelf. It recognizes the rights and jurisdiction of States over resources, but also the duties and obligations of States seeking to exploit those resources. And the Convention provides detailed procedures for the compulsory and binding settlement of disputes.

"The Law of the Sea Convention demonstrates what can be achieved when mutual support and mutual respect provide the basis for relations among nations. The regime established and the mechanisms for dispute resolution that are created are an important contribution to preventing conflict and promoting international peace and security."

In providing for compulsory dispute settlement, central to the system is the International Tribunal for the Law of the Sea. You are gathered here to take practical steps concerning the organization of the Tribunal.

It augurs well for the Tribunal and for the Convention as a whole that the States parties have promptly proceeded with their work and have, inter alia, decided to bring into their deliberations the States and other entities that are yet to become States parties.

It is also admirable that the meeting should in so short a time decide to follow the path of consensus in taking decisions, whenever feasible.

I would convey to the meeting the commitment of the Secretary-General and of the United Nations to do whatever is needed to facilitate and to ensure the equitable, consistent and coherent application of the Convention.

I would reiterate the Secretary-General's sentiments expressed on 16 November, and congratulate you on the historic demonstration of international cooperation in your undertaking.